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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,767	11/21/2000	Walter J. Kelly	5709-159	9022
757	7590	04/04/2005	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			REDMAN, JERRY E	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Throughout the claims, the applicant uses the phraseology "radiused". Since the exact definition of the word cannot be found in the dictionary and an exact definition could not be found within the specification, could the applicant please provide a working definition and/or another word, which would describe the element with the desired detail.

Claims 1-4 and 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 6-7, it appears that "one of said slots" should be --said first slot--. In claim 1, lines 8-9, it appears that "said first face" should be --said second face--. In claim 1, line 10, it appears that "said second face" should be --said first face--.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6, 7, 9-13, 15-17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Vance ('859). Vance ('859) discloses a two-piece weatherstrip for a motor vehicle comprising a cover (30) having a first flange (32), a second flange (38)

having a "radiused" end, and a centrally disposed web (40), a body having an S-shaped metal inserted (44), a first slot (42) engaging the web (40), a second slot (56) having a plurality of obliquely disposed webs (58A and 58B) engaging a flange (62, the body portion extending transversely thereto) extending from the vehicle and having a second face (52), a pair of wiper lips (74 and 84) having flocking attached thereto and extending from the second face (52), a flexible flange (the portion 34 at the end of first flange 32) having a "radiused" end, and a recess (36, forms a recess along an outer surface which is complementary to the formation/"radiused" end of the flexible flange).


Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 14 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The applicant's arguments have been considered but are not deemed persuasive. It appears that the applicant's arguments are more limiting than that of the claims. The applicant argues that that the cover and body are uniquely engaged by one another by including flanges and recesses yet the applicant has failed to clearly and

positively recite such language. The applicant is using "adapted to" and "for" phraseology, which fails to clearly and positively, set forth the claimed invention. It appears to the Examiner that if the applicant would include specific language which is clearly and positively set forth and which incorporates the end of the flange (40) and how it engages the flange (54) which extends outwardly from the face and has a lip engaging the surface of the body vehicle and the opposite side of the flange includes a complementary recess to that of the end of the flange (40), or something similar would at least read over Vance ('859).

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 703-308-2120.


Jerry Redman
Primary Examiner